

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
4:13-cv-00180-FL

KIMBERLY POYTHRESS,

Plaintiff,

v.

CAROLYN W. COLVIN,  
Acting Commissioner of  
Social Security,

Defendant.

ORDER

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act ("Act") in the amount of \$15,000.00. Attorney's fees under section 206(b) of the Act are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). The fee request is in addition to the \$4,070.00 in fees awarded by this Court under the Equal Access to Justice Act (EAJA) (Document No. 30).

Defendant filed a reply to the motion noting that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$15,000.00, and ordered to refund to plaintiff the smaller award between this amount and the EAJA award.

Ordered this 22nd day of February, 2016.



Louise W. Flanagan  
United States District Judge